

EXHIBIT 4



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

November 29, 2011

FOIA-11-109

W. Bruce Shirk
Sheppard Mullin Richter & Hampton LLP
1300 I Street, NW
11th Floor East
Washington, DC 20005-3314

Dear Mr. Shirk,

This correspondence is in reference to your Freedom of Information Act (FOIA) request #11-109, in which you requested information regarding contract HC1013-08-D-0034 between the Defense Commissary Agency and E & E Enterprises Global, Inc.

A CD containing 128 documents responsive to your request is enclosed. However, 240 documents are being withheld in their entirety. This information is being withheld under Title 5, U. S. Code, Section 552, Exemption b(5) which protects inter-agency or intra-agency material which would not be available by law to a party other than an agency in litigation with the Agency.

Because the above referenced information has been withheld, your FOIA request is considered to be partially denied. You are hereby advised of your right to appeal this determination under DoD Directive 5400.7-R. Your appeal must be provided to the address listed below, in writing, no later than 60 calendar days after the date of this correspondence. You should be aware that there may be fees associated with the processing of an appeal.

Chief of Staff
FOIA Appellate Authority
Defense Commissary Agency
1300 E. Avenue
Fort Lee, VA 23801-1800

It is noted that you remitted prepayment of processing fees in the amount of \$7,040.00 for this request. However, processing costs for your request have exceeded that amount. An accounting of those fees is as follows:

43 Hours of Search @ 44.00	\$1,892.00
116 Hours of Review @ 44.00	4,884.00
14 Hours of coordination @44.00	616.00
Total	\$7,392.00

Therefore, please remit payment in the amount of \$352.00, made payable to the Treasurer of the United States and send it to:

Defense Commissary Agency
Attn: Freedom of Information Act Officer
Office of General Counsel
Defense Commissary Agency
1300 E Avenue
Ft. Lee, VA 23801

Any questions or concerns regarding FOIA policy should be directed to the FOIA Officer, Camillo R. DeSantis, at 804-734-8000, Extension 4-8116 or e-mail at camillo.desantis@deca.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read "William E. Sherman", followed by a horizontal line.

William E. Sherman
General Counsel

Enclosures: As stated